

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00549-ABJ**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 03/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John E. Bies
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5243
Fax: (202) 871-6523
Email: john.bies@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara Kaiser Creighton
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5246
Fax: (202) 871-6523
Email: sara.creighton@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hart W. Wood
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 873-1743
Fax: (202) 871-6523
Email: hart.wood@americanoversight.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Peter C. Pfaffenroth**
U.S. ATTORNEY'S OFFICE for D.C.
Civil Division

555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2513
 Fax: (202) 252-2599
 Email: peter.pfaffenroth@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2550
 Email: fred.haynes@usdoj.gov
TERMINATED: 07/01/2019

Defendant

**CENTERS FOR MEDICARE AND
 MEDICAID SERVICES**

represented by **Peter C. Pfaffenroth**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
 (See above for address)
TERMINATED: 07/01/2019

Date Filed	#	Docket Text
03/09/2018	<u>1</u>	COMPLAINT against CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5366320) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons as to USAO, # <u>3</u> Summons as to AG, # <u>4</u> Summons as to HHS, # <u>5</u> Summons as to CMS)(Creighton, Sara) (Entered: 03/09/2018)
03/09/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 03/09/2018)
03/12/2018		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 03/12/2018)
03/12/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 03/12/2018)
03/27/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/19/2018. (Answer due for ALL FEDERAL DEFENDANTS by 4/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/19/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE AND MEDICAID SERVICES served on 3/16/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/16/2018 (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 03/27/2018)
04/24/2018	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Haynes, Fred) (Entered: 04/24/2018)
04/24/2018		MINUTE ORDER granting <u>5</u> Motion for Extension of Time to Answer. Defendants must file a responsive pleading by May 4, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/24/2018. (lcabj2) (Entered: 04/24/2018)
05/04/2018	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT

		OF HEALTH AND HUMAN SERVICES (Haynes, Fred) (Entered: 05/04/2018)
05/07/2018		MINUTE ORDER granting <u>6</u> Motion for Extension of Time to Answer. Defendants' obligation to respond to the pending complaint will be held in abeyance. Plaintiff must file any motion for leave to file an amended complaint, which complies with Local Rules 7(i) and 7(m), by May 21, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/7/2018. (lcabj2) (Entered: 05/07/2018)
05/24/2018	<u>7</u>	ANSWER to Complaint by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Haynes, Fred) (Entered: 05/24/2018)
05/25/2018	<u>8</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of their production of documents to plaintiff, on or before June 22, 2018. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/25/2018. (lcabj2) (Entered: 05/25/2018)
07/02/2018		MINUTE ORDER. By minute order on May 25, 2018, the Court called for the filing of a dispositive motion or a report setting forth a schedule for the completion of the production of documents by June 22. Defendants have yet to comply, and they must do so by July 9, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/2/2018. (lcabj2) (Entered: 07/02/2018)
07/09/2018	<u>9</u>	STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Haynes, Fred) (Entered: 07/09/2018)
07/10/2018		MINUTE ORDER. The Court encourages the parties to work together to narrow the scope of the request. A joint status report is due August 15, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/10/2018. (lcabj2) (Entered: 07/10/2018)
08/15/2018	<u>10</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Haynes, Fred) (Entered: 08/15/2018)
08/16/2018		MINUTE ORDER. The parties must file a joint status report by September 12, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/16/2018. (lcabj2) (Entered: 08/16/2018)
08/23/2018	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Hart W. Wood, :Firm– American Oversight, :Address– 1030 15th Street NW B–255, Washington, DC 20005. Phone No. – (202) 897–3918. Fax No. – (202) 871–6523 Filing fee \$ 100, receipt number 0090–565554. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Hart W. Wood)(Creighton, Sara) (Entered: 08/23/2018)
08/27/2018		MINUTE ORDER granting <u>11</u> Motion for Leave of Hart W. Wood to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Since counsel practices in the District of Columbia and is a member of the District of Columbia bar, and this is not the first time he has sought leave to appear pro hac vice, the Court strongly encourages him to take steps to become a member of the bar of this Court as future motions may not be granted. Signed by Judge Amy Berman Jackson on 8/27/18. (DMK) (Entered: 08/27/2018)
09/12/2018	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 09/12/2018)
09/14/2018		MINUTE ORDER. The parties must meet and confer regarding the scope of production and a production schedule by September 20, 2018, and they must file a joint status report with the Court by September 27, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/14/2018. (lcabj2) (Entered: 09/14/2018)

09/27/2018	<u>13</u>	Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 09/27/2018)
09/28/2018		MINUTE ORDER granting <u>13</u> Motion for Extension of Time. The parties must file a joint status report with the Court by October 4, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/28/2018. (lcabj2) (Entered: 09/28/2018)
10/04/2018	<u>14</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 10/04/2018)
10/05/2018		MINUTE ORDER. The parties must file another joint status report by October 18, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/5/2018. (lcabj2) (Entered: 10/05/2018)
10/18/2018	<u>15</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A)(Wood, Hart) (Entered: 10/18/2018)
10/19/2018		MINUTE ORDER. The parties must submit another joint status report by December 3, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/19/2018.(lcabj2) (Entered: 10/19/2018)
12/03/2018	<u>16</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER. Plaintiff must submit another status report by December 14, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/4/2018. (lcabj2) (Entered: 12/04/2018)
12/14/2018	<u>17</u>	STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 12/14/2018)
12/14/2018		MINUTE ORDER. The parties must submit a joint status report by January 14, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/14/2018. (lcabj2) (Entered: 12/14/2018)
01/15/2019	<u>18</u>	STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 01/15/2019)
01/19/2019		MINUTE ORDER. Plaintiff must submit a status report by February 1, 2019, if the defendants do not seek an extension of time or stay due to the government shutdown in the interim. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/19/2019. (lcabj2) (Entered: 01/19/2019)
02/01/2019	<u>19</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER. The parties must submit a joint status report by February 28, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/1/2019. (lcabj2) (Entered: 02/01/2019)
02/28/2019	<u>20</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 02/28/2019)
03/01/2019		MINUTE ORDER.The parties must submit a joint status report by March 22, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/1/2019. (lcabj2) (Entered: 03/01/2019)
03/22/2019	<u>21</u>	STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 03/22/2019)
03/25/2019		MINUTE ORDER. The parties must submit another status report by May 1, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/25/2019. (lcabj2) (Entered: 03/25/2019)
05/01/2019	<u>22</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 05/01/2019)
05/02/2019		MINUTE ORDER. The parties must file a joint status report by July 1, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/2/2019. (lcabj2) (Entered: 05/02/2019)

		05/02/2019)
07/01/2019	<u>23</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 07/01/2019)
07/01/2019	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Peter C. Pfaffenroth on behalf of CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Fred Haynes (Pfaffenroth, Peter) (Entered: 07/01/2019)
07/08/2019		MINUTE ORDER. The parties must file another joint status report by August 1, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/8/2019. (lcabj2) (Entered: 07/08/2019)